

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Tracy Bernard Harris,  
Plaintiff,

-VS-

Police Officer Kevin Colgan  
Defendant.

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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 06 2005 ★

BROOKLYN OFFICE

**ORDER**

Cv-00-6870(FB)(MO)

ORIGINAL

*DTF*  
*clm*

On April 28, 2005 plaintiff's counsel with permission by Magistrate Judge Michael Orenstein filed a motion to withdraw as counsel, because he has not been able to locate the plaintiff since February of 2003 after numerous attempts on trying to locate him. Neither the defendants or the plaintiff have filed an opposition to his motion. Accordingly it is

HEREBY ORDERED that plaintiff's counsel's motion to withdraw is GRANTED. It is further ordered that this action is administratively closed without prejudice until such time that plaintiff contacts the Court and indicates that he wishes to pursue his claims in this complaint. It is further ordered that plaintiff's former counsel shall send a copy of this order by certified mail to all addresses at which they have attempted to contact the plaintiff, and shall within 30 days file an affidavit attesting to compliance with this order.

SO ORDERED.

~~UNITED STATES DISTRICT JUDGE~~

DATED: Brooklyn, N.Y.  
June 30, 2005

cc.: Charles Horn, Esq.  
Joshua Michael Jemal, Esq.

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April 12, 2005

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 06 2005 ★

BROOKLYN OFFICE

Honorable Judge Block  
United States District Court Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: **Harris v. Kevin Cogan, et al.**  
**Index No. 00 CV 6870 (FB)(MU)**

Dear Judge Block:

Pursuant to this Court's individual rules concerning motion practice, please accept this correspondence as an official request to file a motion to be relieved as counsel for the plaintiff. At the last conference, the undersigned informed the Court that my firm has been unable to contact the plaintiff since June of 2003 at which time Magistrate Judge Michael Orenstein granted us leave to file this instant application.

The plaintiff has been incarcerated intermittently from the time of this firm's last contact with him until the present. This firm has exhausted its resources in our attempts to reestablish contact with the plaintiff. Our efforts have failed and at this time we wish to terminate our representation of him. From our research, we believe that the plaintiff is not presently incarcerated. Yet, with numerous phone calls, letters and computer searches we have been unable to locate Mr. Harris. This case is in the late discovery phase of litigation. The defendants shall in no way be prejudiced by this application.

Thank you for your time and attention in this regard. If you have any questions, please feel free to contact the undersigned.

Respectfully Yours,

FRIEDMAN, HARFENIST, LANGER & KRAUT

By: 

Charles H. Horn (CHH1886)

CHH/bg